

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

SUZANNA CHRISTIAN GILLILAND
1009 SADDLESTONE DRIVE
HERMITAGE, TN 37076

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CASE NO. 22-00255-CW3-13

JUDGE CHARLES M WALKER

SSN XXX-XX-7917

THE DEADLINE FOR FILING A TIMELY RESPONSE IS 8/8/2022.

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 8/24/2022 AT 8:30 AM Courtroom 1, 2nd Floor Customs House, 701 Broadway, Nashville, TN 37203.

**NOTICE OF MOTION TO DISALLOW CLAIM OF
SN SERVICING CORPORATION (PAYEE SN SERVICING CORPORATION) COURT'S CLAIM #6**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion To Disallow Claim of SN SERVICING CORPORATION (PAYEE SN SERVICING CORPORATION).

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding .

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

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FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

SUZANNA CHRISTIAN GILLILAND
1009 SADDLESTONE DRIVE
HERMITAGE, TN 37076

CASE NO. 22-00255-CW3-13
JUDGE CHARLES M WALKER

SSN XXX-XX-7917

MOTION TO DISALLOW CLAIM OF

SN SERVICING CORPORATION (PAYEE SN SERVICING CORPORATION) COURT'S CLAIM #6

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully requests this Court disallow the proof of claim asserted on behalf of SN SERVICING CORPORATION (payee SN SERVICING CORPORATION), filed as claim #6 on the Court's claims register. In support thereof, the Trustee would state as follows:

The name of the creditor on the face of the proof of claim is not supported by the documents attached. Without such documentary support, the asserted creditor lacks standing to enforce any asserted claim and, therefore, the claim should be disallowed under 11 U.S.C. § 502(b)(1). The claim also fails to satisfy Rule 3001(c), which requires that, when a claim, or an interest in property of the debtor securing the claim, is based on a writing, an original or duplicate of the writing must be filed with the proof of claim.

Rule 3001(c)(2)(C) requires an Official Form attachment, Form 410A. Form 410A includes the mortgage and case information ("Part 1"), total debt calculation ("Part 2"), the arrearage as of date of the petition ("Part 3"), the monthly mortgage payment ("Part 4"), and a loan history from the first date of default ("Part 5").

The Claimant failed to provide Form 410A. Without Form 410A, the Trustee cannot determine the correct amount of the prepetition arrears. Therefore, the Trustee requests that the Court disallow the Claimant's prepetition arrears of \$9,507.53 and establish the amount of the post-petition current monthly payment at \$850.00, pursuant to the Order Confirming Chapter 13 Plan.

WHEREFORE, the premises considered, the Trustee requests that this court disallow the proof of claim asserted by SN SERVICING CORPORATION, (payee SN SERVICING CORPORATION), filed as claim #6 on the Court's claims register.

Respectfully submitted,

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on SUZANNA CHRISTIAN GILLILAND, 1009 Saddlestone Drive, Hermitage, TN 37076;
SN SERVICING CORPORATION CABANA SERIES V TRUST, P O BOX 660820, DALLAS, TX 75266;
SN SERVICING CORPORATION 323 FIFTH STREET, P O BOX 35, EUREKA, CA 95501;
BROCK AND SCOTT PLLC 6 CADILLAC DRIVE SUITE 140, BRENTWOOD, TN 37027;

SN SERVICING CORPORATION, ATTN OFFICER MANAGING OR GENERAL AGENT, 13702 COURSEY BLVD STE 1A, BATON ROUGE LA 70817;

SN SERVICING CORPORATION, 13702 COURSEY BLVD STE 1A, BATON ROUGE LA 70817;

THE PRENTICE HALL CORPORATION SYSTEM, REGISTERED AGENT FOR 2908 POSTON AVE, NASHVILLE TN 37203;
SN SERVICING CORPORATION CABANA SERIES V TRUST, P O BOX 660820, DALLAS, TX 75266;
and by email by Electronic Case Noticing to The Office of the United States Trustee , and COLES AND HOLTON LLP, Debtor's counsel
on this 8th day of July, 2022.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Chapter 13 Trustee

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SUZANNA CHRISTIAN GILLILAND)	
1009 SADDLESTONE DRIVE)	CASE NO. 22-00255-CW3-13
HERMITAGE, TN 37076)	
)	JUDGE CHARLES M WALKER
)	

SSN XXX-XX-7917

**ORDER TO DISALLOW CLAIM OF
SN SERVICING CORPORATION (PAYEE SN SERVICING CORPORATION) COURT'S CLAIM #6**

It appearing to the Court, based upon the certification of the Trustee, as indicated by his electronic signature below, that the Trustee has filed a motion seeking to disallow the claim of the below-listed creditor due to:

The name of the creditor on the face of the proof of claim is not supported by the documents attached;

SN SERVICING CORPORATION did not attach a completed form 410 to the claim;

that the Trustee has served notice of the motion on the claimant, the debtor and debtor's counsel, providing them the opportunity to object to the motion; and that the Trustee has received no objection to the motion as required by Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee, it is therefore

ORDERED, that the claim asserted by the creditor below is disallowed.

Creditor Name: SN SERVICING CORPORATION (payee SN SERVICING CORPORATION)
Court's Claim Number: 6
Account Number: xxxxxxxx

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.